

Questioned Documents

Investigators are often called upon to collect evidence to prove a document genuine or fraudulent. These “questioned documents” may be military records or forms. They may be financial instruments. They may be anonymous letters, suicide notes, or official statements. Any written document of uncertain legitimacy is a questioned document.

The purpose of proving a document genuine or fraudulent varies with the purpose of the investigation and the type of document in question. Showing pay vouchers and requisitions to be false may be part of building a case of fraud against the government. Proving a document genuine or fraudulent is material to an investigation for an offense like forgery. And offenders deriving benefit from fraudulent documents often commit recurring offenses. The offender may repeat his crime many times using the same MO. Thus, investigation of questioned documents requires that attention be given to factors that may link an on-going case to other similar incidents.

Forgery is committed when a person falsely makes or alters, with the intent to defraud, a signature or any part of a document that would, if genuine, appear to impose a legal liability on another or to change the victim's legal rights or liabilities to the offender's illegal advantage. Forgery is also committed when a person offers, issues, or transfers a document he knows to be falsely made or altered in an attempt to defraud another. The term false as used in defining forgery does not refer to the truth of the facts stated in a document. It refers only to the document's not being genuine.

To prove a case of forgery, you must show that a document was made by someone other than the apparent true maker. This includes a document altered to represent a different obligation than that intended by the maker.

CONTENTS

	Page
COLLECTING EVIDENCE	230
CONDUCTING INTERVIEWS	231
COLLECTING UNDICTATED KNOWN WRITINGS	232
OBTAINING DICTATED WRITINGS	233
EXAMINING DOCUMENTS	235

You must show that making or altering the document was not authorized by the apparent obligor. And you must show it was the accused who falsely made or altered the document, knowing it was falsely made. Finally, you must show that the intent of the accused was to defraud.

A “bad check” offense is committed when a person makes, offers, or transfers a check, draft, or order for the payment of money upon a bank or other depository to procure anything of value by fraud or to pay any past due obligation. To prove a bad check offense you must show the accused made, offered, or transferred a check, draft, or order payable to a named person or organization. You must show that the person did it to get something of value or to make payment for a past due obligation. You must show that the accused knew at the time of the act that the instrument would not be paid on presentment. Finally, you must show the act was committed with an intent to defraud or deceive.

Any person who signs a false record, return, regulation, order, or other official document, including the filing of false reports of crimes, knowing that it is false and having the intent to deceive is guilty of making a false official statement. For the purposes of this offense, all documents made in the line of duty are official documents. To prove the offense, you must show the accused signed a document and knew when he signed it that part of it was false. You must also show that the document was signed with the intent to deceive.

Extortion is committed when a person communicates threats to another person with the intent of obtaining anything of value, or any acquittance, advantage, or immunity. To prove extortion you must show that the accused communicated certain

threats to another. You must show that the threat was received by the intended victim. And you must show that the accused intended to get something of value by unlawful means.

COLLECTING EVIDENCE

When collecting evidence involving a questioned document, take notes concerning your collection. They will later help refresh your memory if you are called to testify at a court-martial. Note the place, time, and date you collected the document. State the name of the person you received the document from and how it was marked. Include information about the history and contents of the document. Later you may add notes about the handling and disposition of the document. All of this information may be of value later in proving the government's case.

The questioned document must be identified so it will not be confused with other documentary evidence. Mark the document to identify it at any later date. Examine it to find a good place to put your initials, date, time, and the case number, if you know it. Choose this location with care. The identification data should be as inconspicuous as possible. It should not in any way interfere with any writings or impressions on the document. A corner on the back of a document is most commonly used. Then note in your records how and where it was marked.

Questioned documents must be protected from damage. A questioned document should never be folded, crumpled, or carried unprotected in a pocket. Place it in some sort of protective cover. Attach its evidence tag to the outside of the envelope. When shipping to the lab, place enough heavy wrapping material around it to stop it from being bent, torn, or folded in transit. A paper envelope in which the document will fit easily is best. Place the pieces of torn document in the protective covering in their most obvious and logical positions. Transparent plastic document protectors are not suitable for use with some document materials. They should be used with caution, if at all. Typewriting

made with a carbon ribbon and the toner on some photocopies may stick to the plastic and be lifted off the paper.

Questioned documents often represent valuable transactions. Sometimes they are a victim's evidence for a civil suit to recover losses suffered because of the fraudulent transaction. Thus, the victim will need assurance that the document will be returned after the case is complete. Give a property receipt to the person who gives you the document. Make sure the receipt describes the document in enough detail to permit future identification. It should not have statements as to the value of the document. The description should be limited to the physical aspects of the document. Similar receipts should be given for any other items like pens, pencils, or paper that you collect.

The document may need to be examined for fingerprints. You should handle it with tweezers or cloth gloves, so your fingerprints are not added. The document should not be subjected to strong light for prolonged periods. But it may be viewed with ultraviolet light for a short time to compare or contrast its fluorescence or reflectance with other similar documents or possible paper sources. Documents should be handled so that any indented markings are not destroyed or added.

You may wish to make copies of the questioned document for use during the case. The original may then be placed in the evidence depository until required by the lab for examination. Reproduction methods that require you to remove the document from its protective covers should be avoided. Photocopying and photographing are acceptable methods for making copies. But avoid methods that require the document to be fed into a roller system.

Learn the difference between a charred document and ashes. A charred document is one that has become blackened and brittle, having been burned in an absence of an excess of oxygen. For example, documents that are in a closed container during a fire may burn. But as there is very little oxygen present, the paper chars instead of being consumed and turning to ash. The writing on charred fragments, if the fragments are large enough, can often be deciphered. This is usually done by infrared examination.

Charred documents are very fragile. If they are not handled carefully, they may be destroyed. If the fragments are very fragile, spraying them with a thin lacquer should strengthen them enough to handle. Unless a fragment is to be checked for the presence of accelerants, you should spray any fragments of a burned document that might be able to be read. Pick up charred documents by sliding a sheet of paper beneath them and, using this sheet as a support, transfer the charred documents to a cotton-lined box. Carefully pack the charred documents between sheets of cotton and staple the cotton to the box to prevent movement. If a single charred document is relatively flat, it may be placed between two panes of glass that you then tape together. If feasible, the charred documents should be sent to the lab by courier. This will preclude unneeded handling and prevent destruction. In some cases, the lab technician should be asked to come to the location of the document. If neither of these two preferred methods is practical, careful packaging is needed to preclude destruction.

Documents which have been torn may be restored by the lab. Do not try to assemble mutilated documents by taping the pieces together or gluing them to some other piece of paper or other backing. Successful

restoration is more likely if the documents are sent to the lab in the condition in which they are recovered. Lab examination may show differences in the composition of samples of ink that to the unaided eye may seem to be identical. Very little ink is needed for lab examination. A single capital letter may furnish enough. However, the removal of this ink from a document may affect the admissibility of the document in court. The proposal to use this technique should be discussed beforehand with the SJA. If he recommends against it, it should not be used. If he decides that the removal will not affect the document's admissibility, tell the lab examiner.

For lab examinations of materials produced on copying machines, printing products, and office machines contact the lab for guidance in collecting specimen material.

For a lab examiner to reach conclusions of a demonstrable nature about a questioned document, you must furnish exemplars and standards. An exemplar is a dictated known writing. A subject writes it at your request and dictation. A standard is a collected piece of undictated writing known to have been done by a subject at an earlier time. These writings are compared with the questioned document to learn the identity of the document's author. The degree of accuracy of the examiner's conclusions depends on having specimen material similar to the questioned text. He needs enough dictated and undictated writings for a realistic comparison.

To provide as much help in this aspect as possible, you must know what is required. When a case involves the origin or validity of a document, try to contact the document section of the laboratory by telephone to learn what is required before sending the document to the lab.

CONDUCTING INTERVIEWS

Question all persons affected by the document. For example, in a case concerning a forged check, question the person who cashed the check, the person whose signature has allegedly been forged, and a representative of the bank on which the check was drawn. Any bank, business, or other

organization that will be affected by the questioned document should be contacted. Information about past dealings with the person whose signature has allegedly been forged may give helpful clues. Other incidents in which the same forms or means of operation were used may be discovered.

If the document was prepared or signed in the presence of a witness, ask the witness about the method of preparation. Was it written with the right or left hand? Was it written quickly or slowly? Was it written on top of other papers or on a hard surface? Was the writer nervous or intoxicated at the time? If the questioned document is written on a special form, talk to the persons who normally use such forms. This will let you examine the place where they are kept and find out who could have had access to them.

Encourage all victims and witnesses to name possible suspects. Ascertain the reasons for their suspicions. Use this list to check on victims and suspects. It may be of help to look into their financial statuses and business practices to check for motives. Checking the emotional stability of the victims and suspects may also be of value. You can then try to reduce the number of suspects from whom you need to obtain voluntary exemplars and correct standards.

Try to learn how and when the document was made or used. Get a description of the

suspect's appearance, actions, and conversation, and any credentials he may have used. The number of suspects and the number of persons present when the document was offered or found are also of value. Find out how the document was discovered to be false or why it is suspected of being false.

If the signature is that of a known person, interview the signer to verify that he or she denies writing or signing the document. In some cases the questioned document must be shown to the victim. If possible, avoid showing the document to the victim until after you have obtained undictated writings. Or else ensure there is a time lag between the two actions so the format of the questioned document is not fresh in the victim's mind. It is best if you do not let the victim handle the questioned document, as it may negate a latent fingerprint examination. And remember, it is possible that a victim in a case may have actually executed the questioned writing and be hiding this from you. For this reason, always obtain and submit known writings of the victim for lab examination.

COLLECTING UNDICTATED KNOWN WRITINGS

Get undictated writings to be familiar with a suspect's normal writing. These are specimens of handwriting produced in the normal course of events. These may be found in official files. They are documents and forms required by regulation to be in the handwriting or bear the signature of the person filling them out. Unit records, property receipts, personnel forms, and hospital records all meet this criteria. Letters previously written by the suspect may also be used. For undictated known writings in check-forgery or bad-check cases, use cancelled genuine checks in the possession of the victim or suspects.

For undictated known writings to be admissible into court as evidence, they must be authenticated. They are authentic if—

- The writer acknowledges the genuineness of the collected writings.
- The handwriting is identified as genuine by someone who is familiar with the handwriting of the person involved.

- The handwriting is identified as genuine by an eyewitness to its execution.
- The handwriting is identified by expert or judicial comparison with dictated known writings of the writer.
- The document is an official record like a military personnel or finance record.

Collect undictated known writings before you attempt to get dictated writings from suspects. This will help show if suspects are trying to disguise their handwriting. If suspects are not trying to disguise the writing, the quality of the writings should seem similar. The differences between a normal slant and a backhand or between letters written in a round style and an angular style are often quite clear. Disguised writing affects the pictorial appearance only.

Preliminary examination should show the type of instrument used to write the document. Collect known writings made with the same type of instrument. For writing done with fiber-tipped pens, crayons, nib pens,

brushes, or special-purpose writing instruments, collect several known writings with these instruments. Get the remainder with a ballpoint pen. This is because a ballpoint pen shows writing characteristics best. Note if the suspect owns a writing instrument with characteristics similar to the questioned instrument. Remember to also get at least one dictated writing using it.

Discuss the collected known writings with the SJA. Ask about their admissibility and proof of genuineness. When the genuineness of a signature is questioned, get collected writings of a known genuine signature. This is especially needed for collected writings that may have been in the possession of, or accessible to, a suspect. This may help the document examiner show if a genuine signature has been traced. It may also show the actual signature traced.

If the questioned document is typed, you may need to furnish collected typed standards too. Sometimes it can be shown that a document was typed on or about a certain date. If so, try to get collected standards of the work typed on that machine during that period. Typing done on a certain machine during a certain period of time can be compared with the typing produced by that machine at a later date. These may reveal any added defects, flaws, or changes in its typewriting characteristics.

Often many typewriters must be examined to show which one produced the questioned document. You can eliminate some of them without submitting dictated writings of their typewriting to the lab. Do this by making several fairly easy tests.

Check the upper and lower case letters M and W first, as they are often the most distinctive in style. Their differences may be more easily recognized. The bottom of the staffs of the lower case mayor may not have serifs (cross strokes) at the bottom. The two outside staffs may have serifs, and the center staff none. The center V-like formation of the capital M may descend to the baseline or stop varying distances above it. If it descends to the baseline, it may or may not have a serif. The inverted v of the center formation of the W mayor may not extend to the top of the line formed by the outer portions of the letter and may or may not have a serif at the top.

Numerals are often unique in design on varied typewriters. These should be examined. You should have no trouble when different sizes of type are involved. If the letters and numerals are not distinguishable with ease, submit dictated writings to the lab.

Collected known writings should be submitted together with the dictated writings. This lets the examiner see the normal handwriting habits of the writer. It also indicates tries at disguising the writing in the dictated writings.

OBTAINING DICTATED WRITINGS

Your preliminary examination should show the type of paper comprising the questioned document. If the document is on a standard form, get samples of that form or have facsimiles reproduced. If the document is a check, get samples of the same type of check. Get those of the same size and quality as the questioned check. Obtain samples of other types of papers that approximate that of the questioned document as closely as possible. The paper may be bond, onion skin, colored, ruled or unruled, tablet form, wrapping paper, or a piece of cardboard.

Obtain an instrument similar to the one used to write the questioned document. If it was written with a ballpoint pen, then a ballpoint pen with a similar size ball should

be used to write the dictated writings. The questioned writing may have been written with a pencil. If so, use a pencil with the same degree of hardness. Sharpen it to about the same point as that which produced the questioned writing.

Use only one side of the paper. In some cases the writing on both the face and back of the original are in question. Get enough forms or checks so that the dictated sample of the writing on the back of the original will be written on different forms from the dictated sample of the writing on the front.

When taking these samples from the suspect and victim, dictate what is to be written. Do not allow the suspect to copy

written phrases. Each line is to be written without seeing a preceding line. No indications of spelling or punctuation should be given. At times the questioned document is long and has no unusual spellings or grammatical constructions. Here the material you wish the suspect to write may be typewritten for him to copy. The suspect is not shown the questioned document prior to giving the dictated writings.

The pictorial quality of a writing may help show if the dictated writings are a true representation of the writing of the suspect. This may be seen in several ways. Smooth unbroken strokes and rounded forms of letters often indicate speed in writing. A suspect's visual memory, powers of graphic expression, and manual dexterity are often shown in the general appearance of his writing. See if the dictated writing is being written slower or faster than the questioned writing would have been written. If so, change the speed of your dictation. You can also tell the suspect to write faster or slower, as the case may be. Rapid writing will often reduce the size of letters. When the suspect has finished an individual dictated writing, remove it from his sight. This will halt an attempt to copy the previously made dictated writing. Handwritten dictated writings should be obtained from the victim when the questioned document is an anonymous letter.

Think of getting dictated writings written with other than the normal handwriting of the suspect. If the writer cannot give legible writing with the other hand, one dictated writing is enough. Dictated writings may be obtained with the suspect writing standing up or holding the paper against a wall, as desired.

If the questioned writing is a signature, get about 25 dictated-writing signatures. Where one or two sentences or about 20 disconnected words comprise the questioned writing, get 10 to 15 samples. If the document is two or three pages, get one dictated writing of the entire text. Then get three to five dictated writings of the first and last two or three paragraphs. Check for words in combination with each other or unique wordings found elsewhere in the document. These should be included in the dictated writings.

Questioned writings can appear on a form. If so, the writing is often confined by means of blocks, length of lines, or the size and design of the form. Dictated writings must be similarly confined. For example, the questioned writing may appear on a form of which duplicates cannot be obtained. Here you must get paper of the approximate quality and cut it to the same size as the questioned form.

You may have a document with obscene words or phrases. Dictated writings may be made without the objectionable words or phrases if the document is long enough. But the elimination of such words must not leave the dictated writings worthless. Dictated writings of short, obscene documents normally must be produced in full. If someone objects to obscene words in the dictated writings, use non-obscene words with the same letters and letter combinations as the obscene words. Most obscene words can be replaced fully with one or two ordinary words. Ensure the dictated writing words you choose include the beginning and ending letters of the obscene word. Have them in the proper positions, though not necessarily in the same word. A similar problem comes up when the questioned document contains security information. If the dictated writing can be produced by omitting the classified portions, do so.

To provide samples of typewritten documents, you must take several from each machine. With excessive use, a manual typewriter produces typing of extreme individuality.

All dictated writings should have a heading with the name of the person producing the dictated writing. Include the make of typewriter and its serial number, whether electric or nonelectric, place where the dictated writing was produced, and the date. The signature of the person giving the dictated writing as well as yours should be added for identification needs.

Make sure the dictated writing follows the style of the questioned document. If the questioned typewriting is double spaced, the dictated writing should be. Indentations should be the same. The length of and number of words in each line should be the

same as that of the questioned writing. The word or portion of a word at the end of a line on a questioned document should be duplicated in the dictated writing. The duplicated writing should be as close a duplicate of the questioned document as it is physically possible to produce.

A second dictated writing should be typed by someone other than the person typing the first dictated writing. It should have the complete keyboard reproduced. Do one first in normal order, and then do one with a space between each letter, numeral, and symbol. If the questioned document is a carbon copy, a carbon copy of the dictated writing should be included.

A third dictated writing should be made by the carbon-stencil method. A new piece of carbon paper should be used. It is placed in contact with the paper as if the paper were going to be a carbon copy. The ribbon of the typewriter should be removed or the machine set on stencil. The type should strike the carbon paper directly. The spacing, line length, and word composition should be the same as the other dictated writings. The

carbon paper need not be submitted with the dictated writing. The carbon-stencil dictated writing may be omitted if the typewriter normally uses a carbon paper ribbon.

If the questioned document consists of about one-half a page, it should be reproduced in its entirety. If the document is lengthy, the first 20 to 30 lines should be reproduced. The remainder of the questioned document should then be examined. Any words, numerals, or symbols not appearing in the first 20 to 30 lines should be added to the dictated writing. The word preceding and following the material to be added should be included and typed as it appears in the questioned document.

Compare the dictated writings and the questioned document to see if the ribbon producing the dictated writings seems to have about the same degree of wear and is of the same style and character. Find out when the ribbon on the machine was last changed. Learn the date of the latest repair work done on the typewriter, and learn what repairs were made.

EXAMINING DOCUMENTS

Document examination is based on the improbability of any two writings being exactly alike. An examiner looks at characteristics like style, speed, slant, and spacing.

Writing involves a mental process as well as a muscular coordination. Skilled writing is fluent and mature. It differs greatly from the copybook style of the unskilled. Skill and line quality go together. The lines of skilled writing will be freely written and uninterrupted. The curves will be well defined, and the pauses and pen lifts will occur in natural and appropriate places. And there are other clues to help identify a writer. The facts or terms in a letter may help identify the writer. Use of highly technical terms, punctuation, spelling, grammar, syntax, and style are all valid clues which may lead to the writer's identity.

Paper samples can be analyzed in the lab to show similarity or differences in composition. These may lead to a conclusion

about a common origin with other samples. Adhesive used to hold sheets of paper in tablet form can be analyzed to see if two or more sheets of paper could originally have been a part of one tablet.

A rare, but important, examination the lab is called on to do is that of deciphering indented writing. Indented writing may result when the writing on a document has been obliterated, sometimes accidentally. Sometimes the only evidence available is "second sheets." These are sheets of paper underlying the one on which the original writing was placed. The pressure of the writing instrument will leave a trace of the writing on second sheets. If the pressure is great enough, the indented writing can sometimes be gained from the sheets under the original by several sheets. The lab can often decipher indented writing by electrostatic processing or oblique lighting.

All cases sent to the lab for document examinations should be addressed to the

documents division. Some cases may need to be examined by other sections as well as by the documents section. Query your servicing USACIL to learn the order of address that will best permit examination by the sections concerned. Some examinations, like those for latent prints, can cause unavoidable damage to the evidence. This would hamper a subsequent document examination.

Your requests for lab examination should include your unit's telephone number (AUTOVON if in the United States), along with your name. This allows the document examiner to contact you if clarification is needed.

Submit all evidence at one time. A case cannot be examined until all evidence is received. If evidence or documents are requested from another office, the added material should be obtained before forwarding the referrals to the lab. This precludes the lab having to hold referrals that cannot be examined pending receipt of other evidence. You may request documents be sent directly to USACIL from the US Army Finance and Accounting Center (USAFAC). Retain any other document evidence that is to be examined until notified by USAFAC or USACIL that such documents have been sent or received before submitting the other evidence.
